

CLOSED, JMR, JURY, TRIAL\_SET

**U.S. District Court  
Southern District of Mississippi (Western)  
CIVIL DOCKET FOR CASE #: 5:10-cv-00186-DCB -JMR**

United States of America v. Kelly et al  
Assigned to: Honorable David C. Bramlette, III  
Referred to: Magistrate Judge John M. Roper  
Cause: 42:405 Fair Housing Act

Date Filed: 11/18/2010  
Date Terminated: 03/20/2012  
Jury Demand: Both  
Nature of Suit: 443 Civil Rights:  
Accommodations  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Mitzi Dease Paige**  
U. S. ATTORNEY'S OFFICE – Jackson  
501 East Court Street  
Suite 4.430  
Jackson, MS 39201  
601/973-2840  
Fax: 601/965-4409  
Email: [Mitzi.paige@usdoj.gov](mailto:Mitzi.paige@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jessica Clarke Crockett**  
U. S. DEPARTMENT OF JUSTICE –  
Civil Rights Division  
Housing & Civil Enforcement Section  
1800 G Street, N. W.  
Suite 7002, CRT/HCE  
Washington, DC 20006  
202/305-4013  
Fax: 202/514-1116  
Email: [jessica.clarke@usdoj.gov](mailto:jessica.clarke@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Michael S. Maurer**  
U. S. DEPARTMENT OF  
JUSTICE–Housing & Civil Enforcement  
Sect  
Civil Rights Division  
950 Pennsylvania Avenue NW  
Northwestern Building, 7th Floor  
Washington, DC 20530  
202/305-4013  
Fax: 202/514-1116  
**TERMINATED: 12/07/2010**

**Steven H. Rosenbaum**  
U. S. DEPARTMENT OF  
JUSTICE–Housing & Civil Enforcement  
Sect  
Civil Rights Division  
950 Pennsylvania Avenue NW  
Northwestern Building, 7th Floor  
Washington, DC 20530  
202/305-4013  
Fax: 202/514-1116  
**TERMINATED: 12/07/2010**

**Thomas E. Perez**  
U. S. DEPARTMENT OF  
JUSTICE–Housing & Civil Enforcement

Sect  
Civil Rights Division  
950 Pennsylvania Avenue NW  
Northwestern Building, 7th Floor  
Washington, DC 20530  
303/406-5024  
Fax: 202/514-1116  
*TERMINATED: 12/07/2010*

V.

**Defendant**

**Janie Kelly**

represented by **Alison Tasma Vance**  
BUTLER, SNOW, O'MARA, STEVENS  
&CANNADA – Ridgeland  
P. O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 948-5711  
Email: [alison.vance@butlersnow.com](mailto:alison.vance@butlersnow.com)  
*ATTORNEY TO BE NOTICED*

**Jeffrey A. Walker**  
BUTLER, SNOW, O'MARA, STEVENS  
&CANNADA – Ridgeland  
P. O. Box 6010  
Ridgeland, MS 39158-6010  
601/948-5711  
Fax: 601/985-4500  
Email: [jeff.walker@butlersnow.com](mailto:jeff.walker@butlersnow.com)  
*ATTORNEY TO BE NOTICED*

**R. E. Parker , Jr.**  
VARNER, PARKER &SESSUMS  
P.O. Box 1237  
Vicksburg, MS 39181-1237  
601/638-8741  
Email: [rep@vpslaw.com](mailto:rep@vpslaw.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Richard Cowart**

represented by **R. E. Parker , Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Clifford C. Whitney , III**  
VARNER, PARKER &SESSUMS  
P.O. Box 1237  
Vicksburg, MS 39183-1237  
601/638-8741  
Fax: 601/638-8666  
Email: [ccw@vpslaw.com](mailto:ccw@vpslaw.com)  
*ATTORNEY TO BE NOTICED*

**Penny Beckwith Lawson**  
VARNER, PARKER &SESSUMS  
P.O. Box 1237  
Vicksburg, MS 39183-1237  
601/638-8741  
Email: [plawson@vpslaw.com](mailto:plawson@vpslaw.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

Phylis Cowart

represented by **Clifford C. Whitney , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED***R. E. Parker , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/18/2010	<u>1</u>	COMPLAINT with JURY DEMAND against Richard Cowart, Janie Kelly, filed by United States of America. (Attachments: # <u>1</u> Civil Cover Sheet)(EJS) (Entered: 11/18/2010)
12/01/2010	<u>2</u>	WAIVER OF SERVICE Returned Executed by United States of America. Richard Cowart waiver sent on 11/18/2010, answer due 1/18/2011. (Paige, Mitzi) (Entered: 12/01/2010)
12/01/2010	<u>3</u>	WAIVER OF SERVICE Returned Executed by United States of America. Janie Kelly waiver sent on 11/18/2010, answer due 1/18/2011. (Paige, Mitzi) (Entered: 12/01/2010)
12/02/2010		DOCKET ANNOTATION as to <u>2</u> – Incorrect document attached. Attorney is directed to refile and attach the correct pdf document. (PKM) (Entered: 12/02/2010)
12/02/2010	<u>4</u>	ATTACHMENT re <u>2</u> Waiver of Service Executed <i>as to Richard Cowart</i> by United States of America (Paige, Mitzi) (Entered: 12/02/2010)
12/06/2010	<u>5</u>	Letter from Attorney Mitzi Dease Paige. (PKM) Modified on 12/7/2010 to show correct date filed (PKM). (Entered: 12/07/2010)
12/07/2010		DOCKET ANNOTATION as to <u>5</u> : Clerk's office has modified entry to reflect correct date filed. (PKM) (Entered: 12/07/2010)
01/18/2011	<u>6</u>	ANSWER to <u>1</u> Complaint <i>and Defenses</i> by Janie Kelly.(Walker, Jeffrey) (Entered: 01/18/2011)
01/18/2011	<u>7</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Richard Cowart (Attachments: # <u>1</u> Exhibit Agreed Order Granting Motion)(Parker, R.) (Entered: 01/18/2011)
01/19/2011	<u>8</u>	NOTICE of Appearance by Alison Tasma Vance on behalf of Janie Kelly (Vance, Alison) (Entered: 01/19/2011)
01/27/2011		TEXT ORDER ONLY granting <u>7</u> Motion for Extension of Time to Answer Richard Cowart answer due 2/1/2011.No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on January 27,2011 (Nicaud, Jenny) (Entered: 01/27/2011)
02/02/2011	<u>9</u>	ANSWER to Complaint <i>and Affirmative Defenses of Defendant</i> , by Richard Cowart.(Whitney, Clifford) (Entered: 02/02/2011)
02/10/2011	<u>10</u>	Rule 16(a) Initial Order. Telephonic Case Management Conference set for 3/31/2011 02:15 PM before Magistrate Judge John M. Roper. Plaintiff to initiate the conference call (228) 563-1779. Confidential case memoranda to be submitted to Judge Roper at 2012 15th Street, Suite 870, Gulfport, MS 39501 or by email at Roper_Chambers@mssd.uscourts.gov on or before March 23, 2011. Please submit by email if possible. (Regenold, Sheryal) (Entered: 02/10/2011)
02/17/2011	<u>11</u>	NOTICE of Service of <i>Pre-Discovery</i> Disclosure by Richard Cowart (Lawson, Penny) (Entered: 02/17/2011)
03/02/2011	<u>12</u>	NOTICE of Service of <i>Pre-Discovery</i> Disclosure by United States of America (Crockett, Jessica) (Entered: 03/02/2011)
03/28/2011	<u>13</u>	NOTICE of Service of <i>Defendant Janie Kelly's Initial</i> Disclosure by Janie Kelly (Vance, Alison) (Entered: 03/28/2011)

04/08/2011	<u>14</u>	MOTION for Entry of United States' Proposed Case Management Order by United States of America (Crockett, Jessica) (Entered: 04/08/2011)
04/08/2011	<u>15</u>	MEMORANDUM in Support re <u>14</u> MOTION for Entry of United States' Proposed Case Management Order filed by United States of America (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Crockett, Jessica) (Entered: 04/08/2011)
04/11/2011		DOCKET ANNOTATION as to # <u>15</u> : L.U.Civ.R. 7(b)(2) requires that all supporting exhibits to a document be denominated by an exhibit letter or number and a meaningful description. Attorney is advised to follow this rule in future filings. (PKM) (Entered: 04/11/2011)
04/13/2011	<u>16</u>	RESPONSE to Motion re <u>14</u> MOTION for Entry of United States' Proposed Case Management Order filed by Janie Kelly (Vance, Alison) (Entered: 04/13/2011)
04/14/2011	<u>17</u>	Joinder in Document by Richard Cowart to <u>16</u> Response to Motion filed by Janie Kelly (Lawson, Penny) (Entered: 04/14/2011)
05/09/2011	<u>18</u>	First NOTICE of Service of <i>Document Requests and Interrogatories</i> by Richard Cowart (Whitney, Clifford) (Entered: 05/09/2011)
05/10/2011		DOCKET ANNOTATION as to <u>18</u> : This document notices service of multiple forms of discovery. Each event should be separately docketed. The same PDF document may be used for all entries. Attorney is advised to docket additional events as needed. These events are found in the electronic docketing system under Discovery Documents. (PKM) (Entered: 05/10/2011)
05/10/2011	<u>19</u>	First NOTICE of Service of <i>First Request for Production</i> by Richard Cowart (Whitney, Clifford) (Entered: 05/10/2011)
05/11/2011	<u>20</u>	MOTION for Leave to File <i>First Amended Complaint</i> by United States of America (Attachments: # <u>1</u> Exhibit A: Proposed First Amended Complaint)(Crockett, Jessica) (Entered: 05/11/2011)
05/11/2011	<u>21</u>	MEMORANDUM IN SUPPORT re <u>20</u> MOTION for Leave to File <i>First Amended Complaint</i> filed by United States of America (Crockett, Jessica) (Entered: 05/11/2011)
05/17/2011		TEXT ORDER ONLY granting as unopposed <u>14</u> Motion for Entry of CMC Order to provide that Breezie Penny not execute a waiver of medical privilege or submit to a Rule 35 medical examination on the condition that Ms. Penny is not claiming damages for any medical treatment as a result of the incident alleged nor is she claiming damages for any medically diagnosed injury as the result of the incident alleged. No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on May 17,2011 (Nicaud, Jenny) (Entered: 05/17/2011)
05/17/2011		TEXT ORDER ONLY granting <u>20</u> Motion for Leave to File Amended Complaint as timely. No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on May 17,2011 (Nicaud, Jenny) (Entered: 05/17/2011)
05/19/2011	<u>22</u>	AMENDED COMPLAINT against Richard Cowart, Janie Kelly, Phylis Cowart, filed by United States of America.(Crockett, Jessica) (Entered: 05/19/2011)
05/24/2011	<u>23</u>	CASE MANAGEMENT ORDER. Motions for Amended Pleadings due by 6/2/2011. Motions for Joinder of Parties due by 6/2/2011. Designate Experts Plaintiff Deadline due by 11/1/2011. Designate Experts for Defendant Deadline due by 12/1/2011. Discovery due by 2/2/2012. Motions due by 2/15/2012. Settlement Conference set for 1/12/2012 09:30 AM before Magistrate Judge John M. Roper in Natchez. Local counsel, lead trial counsel and all clients with full and final settlement authority MUST be present. Parties must submit a three page settlement memoranda which will include the parties settlement position, all prior mediation attempts and the final settlement position of the parties, to Judge Roper at roper_chambers@mssd.uscourts.gov no later than 1/5/2012. Pretrial Conference set for 5/15-17/2012 before Magistrate Judge John M. Roper in Natchez. Jury Trial set for a calendar beginning 6/4/2012 before Honorable David C. Bramlette

		III. Signed by Magistrate Judge John M. Roper on 5/24/2011 (Regenold, Sheryal) (Entered: 05/24/2011)
05/25/2011	<u>24</u>	ANSWER to <u>22</u> Amended Complaint by Janie Kelly.(Vance, Alison) (Entered: 05/25/2011)
05/25/2011	<u>25</u>	ANSWER to <u>22</u> Amended Complaint by Richard Cowart.(Whitney, Clifford) (Entered: 05/25/2011)
06/03/2011	<u>26</u>	<i>Affirmative Defenses and</i> ANSWER to <u>22</u> Amended Complaint by Phylis Cowart.(Whitney, Clifford) (Entered: 06/03/2011)
06/07/2011	<u>27</u>	NOTICE of Service of Response to Interrogatories by United States of America (Crockett, Jessica) (Entered: 06/07/2011)
06/07/2011	<u>28</u>	NOTICE of Service of Response to Request for Production by United States of America (Crockett, Jessica) (Entered: 06/07/2011)
07/01/2011	<u>29</u>	NOTICE of Service of <i>First Set of</i> Interrogatories by United States of America (Crockett, Jessica) (Entered: 07/01/2011)
07/01/2011	<u>30</u>	NOTICE of Service of <i>First Set of</i> Request for Production by United States of America (Crockett, Jessica) (Entered: 07/01/2011)
07/14/2011	<u>31</u>	WAIVER OF SERVICE Returned Executed by United States of America. Phylis Cowart waiver sent on 5/31/2010, answer due 7/30/2010. (Paige, Mitzi) (Entered: 07/14/2011)
07/15/2011	<u>32</u>	Subpoena Returned Executed as to Breezie Penny. (Whitney, Clifford) (Entered: 07/15/2011)
07/15/2011	<u>33</u>	Subpoena Returned Executed as to Naima Hull. (Whitney, Clifford) (Entered: 07/15/2011)
08/03/2011	<u>34</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's First Set of Interrogatories and First Set of Requests for Production of Documents to Defendant Janie Kelly</i> by Janie Kelly (Vance, Alison) (Entered: 08/03/2011)
08/12/2011	<u>35</u>	NOTICE of Service of Response to Interrogatories by Janie Kelly (Vance, Alison) (Entered: 08/12/2011)
08/12/2011	<u>36</u>	NOTICE of Service of Response to Request for Production by Janie Kelly (Vance, Alison) (Entered: 08/12/2011)
08/31/2011	<u>37</u>	NOTICE of Service of Response to Interrogatories by Phylis Cowart, Richard Cowart (Whitney, Clifford) (Entered: 08/31/2011)
08/31/2011	<u>38</u>	NOTICE of Service of Response to Request for Production by Phylis Cowart, Richard Cowart (Whitney, Clifford) (Entered: 08/31/2011)
09/01/2011		DOCKET ANNOTATION as to <u>37</u> and <u>38</u> : These documents are not accompanied by a certificate of service. A certificate of service must be attached to a document [Administrative Procedures for Electronic Case Filing, Sec. 4.A.1, Sec. 4.B, and Fed.R.Civ.P. Rule 5(d)(1)]. Attorney is directed to file a certificate as CERTIFICATE OF SERVICE and link it to the proper document(s). (PKM) (Entered: 09/01/2011)
09/01/2011	<u>39</u>	CERTIFICATE OF SERVICE by Phylis Cowart, Richard Cowart re <u>37</u> Notice of Service of Response to Interrogatories (Whitney, Clifford) (Entered: 09/01/2011)
09/01/2011	<u>40</u>	CERTIFICATE OF SERVICE by Phylis Cowart, Richard Cowart re <u>38</u> Notice of Service of Response to Production (Whitney, Clifford) (Entered: 09/01/2011)
09/16/2011		TEXT ORDER ONLY granting <u>34</u> as unopposed Motion for Extension of Time to File Response/Reply. Defendant has already replied to propounded discovery. The Court deems those responses were timely. No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on September 16,2011 (Nicaud, Jenny) (Entered: 09/16/2011)

10/20/2011	<u>41</u>	NOTICE of Service of <i>Amended</i> Response to Request for Production by Phylis Cowart, Richard Cowart (Whitney, Clifford) (Entered: 10/20/2011)
10/25/2011	<u>42</u>	NOTICE of Service of <i>Amendment to</i> Response to Interrogatories by Phylis Cowart, Richard Cowart (Whitney, Clifford) (Entered: 10/25/2011)
11/22/2011	<u>43</u>	NOTICE of Service of <i>Supplemental</i> Response to Interrogatories by Janie Kelly (Vance, Alison) (Entered: 11/22/2011)
12/20/2011	<u>44</u>	Joint MOTION for Extension of Time to Complete Discovery by United States of America (Crockett, Jessica) (Entered: 12/20/2011)
12/27/2011	<u>45</u>	NOTICE of Service of <i>Supplemental Initial</i> Disclosure by Janie Kelly (Vance, Alison) (Entered: 12/27/2011)
12/27/2011	<u>46</u>	NOTICE of Service of Request for Admissions by Janie Kelly (Vance, Alison) (Entered: 12/27/2011)
12/27/2011	<u>47</u>	NOTICE of Service of <i>First Set of</i> Interrogatories by Janie Kelly (Vance, Alison) (Entered: 12/27/2011)
12/27/2011	<u>48</u>	NOTICE of Service of <i>First Set of</i> Request for Production by Janie Kelly (Vance, Alison) (Entered: 12/27/2011)
12/28/2011	<u>49</u>	NOTICE of Service of <i>Supplemental</i> Interrogatories by United States of America (Crockett, Jessica) (Entered: 12/28/2011)
01/05/2012	<u>50</u>	Unopposed MOTION Excuse Deputy Chief from Settlement Conference by United States of America (Crockett, Jessica) (Entered: 01/05/2012)
01/09/2012		TEXT ORDER ONLY granting as unopposed <u>50</u> Motion to Excuse Deputy Chief from Conference. The Court finds pursuant to Rule 16(g)(2)( A) of the Uniform Local Rules that Michael Maurer may be excused from attending the conference in person but he must be available at all times by telephone. No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on January 9,2012 (Nicaud, Jenny) (Entered: 01/09/2012)
01/09/2012	<u>51</u>	Unopposed MOTION Excuse Gerald Paladin from Attending Settlement Conference by Phylis Cowart, Richard Cowart, Janie Kelly (Parker, R.) (Entered: 01/09/2012)
01/09/2012		TEXT ORDER ONLY granting as unopposed <u>51</u> Motion to Excuse Gerald Paladin. The Court finds pursuant to Rule 16(g)(2)( A) of the Uniform Local Rules that Gerald Paladin may be excused from attending the conference in person but he must be available at all times by telephone. No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on January 9,2012 (Nicaud, Jenny) (Entered: 01/09/2012)
01/09/2012		TEXT ORDER ONLY granting as unopposed <u>44</u> Motion for Extension of Time to Complete Discovery. The discovery deadline is extended to March 2,2012. The motion deadline is extended to March 15,2012. The pre-trial conference is extended to July 24-26,2012. The trial is continued to a three week calendar beginning August 6,2012. No further written order shall be issued by this Court. Signed by Magistrate Judge John M. Roper on January 9,2012 (Nicaud, Jenny) (Entered: 01/09/2012)
01/09/2012		Set/Reset Deadlines: ( Discovery due by 3/2/2012, Motions due by 3/15/2012 ), Set/Reset Hearings:( Jury Trial set for a three week calendar beginning 8/6/2012 09:00 AM before Honorable David C. Bramlette III, Pretrial Conference set for 7/24-26/2012 before Magistrate Judge John M. Roper in Natchez,Ms. (Nicaud, Jenny) (Entered: 01/09/2012)
01/13/2012		Minute Entry for proceedings held before Magistrate Judge John M. Roper: Settlement Conference held on 1/13/2012. Settlement was reached subject to Chancery Court approval. The Court finds that the Government must exchange any proposed update to be issued on the DOJ website with opposing parties prior to posting and if there is opposition to the proposed summary update, the Government must receive Court approval prior to any posting. (Nicaud, Jenny) (Entered: 01/13/2012)

03/20/2012	<u>52</u>	CONSENT DECREE Signed by Honorable David C. Bramlette, III on 3/19/12 (PKM) (Entered: 03/20/2012)
------------	-----------	---